

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ELAINE L. CHAO, Secretary of  
Labor, United States Department  
of Labor,

**Plaintiff**

**v.**

SOS SECURITY SERVICE, INC., et  
al.,

**Defendant(s)**

**CIVIL NO. 06-1316 (JAG)**

**MEMORANDUM AND ORDER**

GARCIA-GREGORY, D.J.

A District Court may refer pending dispositive motions to a Magistrate Judge for a report and recommendation. See 28 U.S.C. §636(b)(1)(B); Fed. R. Civ. P. 72(b); Loc. Rule 72(a). Any party adversely affected by the report and recommendation may file written objections within ten days of being served with the Magistrate Judge's report. See 28 U.S.C. §636(b)(1). A party that files a timely objection is entitled to a de novo determination of "those portions of the report or specified proposed findings or recommendations to which specific objection is made." Sylva v. Culebra Dive Shop, 389 F. Supp.2d 189, 191-92 (D.P.R. 2005) (citing United States v. Raddatz, 447 U.S. 667, 673 (1980)). Failure to comply with this rule precludes further review. See Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992). In conducting its

Civil No. 06-1316(JAG)

2

review, the Court is free to "accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge." 28 U.S.C. §636 (a)(b)(1). Templeman v. Cris Craft Corp., 770 F.2d 245, 247 (1st Cir. 1985); Alamo Rodriguez v. Pfizer Pharmaceuticals, Inc., 286 F. Supp.2d 144, 146 (D.P.R. 2003). Furthermore, the Court may accept those parts of the report and recommendation to which the parties do not object. See Hernandez-Mejias v. General Elec., 428 F. Supp.2d 4, 6 (D. P.R. 2005) (citing Lacedra v. Donald W. Wyatt Detention Facility, 334 F. Supp.2d 114,125-126 (D.R.I. 2004)).

On September 20, 2007, the United States Magistrate Judge Bruce J. McGiverin issued a Report and Recommendation in this case, recommending that Plaintiff's Motion for Contempt, (Docket No. 7), be granted. Defendants SOS Security Service, Inc. and Edgardo Batiz Ramia ("Defendants") filed three separate Motions for extension of time to object to the Report and Recommendation. Defendants filed said motions on October 1, 2007, October 22, 2007, and November 13, 2007. (Docket Nos. 26, 28, 32). The Court granted all three of Defendants' requests for an extension of time to object to the Report and Recommendation. (Docket Nos. 27, 29, 34).

On November 20, 2007, Defendants once again requested an extension of time to object to the Magistrate Judge's Report and Recommendation. (Docket No. 37). However, the Court denied said

Civil No. 06-1316(JAG)

3

request. (Docket No. 38). Thus, Defendants have failed to file any timely objections to the Report and Recommendation.

The undersigned, however, has made an independent examination of the record in this case and **ADOPTS** the Magistrate Judge's findings and recommendations as the opinion of this Court.

Accordingly, the Court **GRANTS** Plaintiff's Motion for Contempt. Defendants are found in civil contempt by reason of their failure to comply with the terms of the Consent Judgement. Nonetheless, Defendants may purge themselves of contempt if they comply with any of the alternatives recommended by Magistrate Judge Bruce J. McGiverin in his Report and Recommendation. (Docket No. 25).

**IT IS SO ORDERED.**

San Juan, Puerto Rico, this 21st day of November, 2007.

S/Jay A. Garcia-Gregory  
JAY A. GARCIA-GREGORY  
United States District Judge